UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,111	07/24/2006	John William Richardson	PU030288	9520

24498　　　7590　　　03/01/2011
Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

EXAMINER
KIM, HEE-YONG

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
03/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 January 2011</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>25,28-36 and 39-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>25,28-36 and 39-45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in reply to Applicant's Response dated January 18, 2011.

2.   **Claims 30 and 31** have been amended.

3.   **Claims 25, 28-36, and 39-45** are pending.

Response to Arguments

4.   Rejection of **claims 30-31** under 35 U.S.C. 112, second paragraph is withdrawn

because amendment overcomes the previous rejection.

5.   Applicant's arguments with respect to the prior art rejection over **claims 25, 28-**

36, and 39-45 have been fully considered but they are moot because of new ground of

rejection.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 25-27, 32, 34-38, 43, and 45-47** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Jones (US 6,134,243) in view of Visharam (2004/0,006,575),

hereafter referenced as Jones and Visharam.

Regarding **claim 25**, Jones discloses Method and Apparatus for Media Data

Transmission. Jones specifically discloses A method for streaming a file containing

video information (streaming of media data, col.9, line 20), comprising the step of:

embedding parameter information (Hint track includes header information, col.9, line 28-

39) for facilitating streaming of the video information (instruction for a streaming video,

col.9, line 28-39) by embedding the parameter information in a hint track, the file also

holding the video information such that the parameter information resides separate hint

area (separate and distinct from media data, col.8, line 27-30) from the video

information so that the parameter information can be streamed independent of the video

information (Fig.15). In addition Jones and Visharam disclose that SDP is stored in a

hint track (SDP information is stored in user-data atoms in the hint track, col.24, line 55-

57) of the file. However, Jones is silent on embedding the parameter information in a

Session Description Protocol (SDP) payload.

In the analogous field of endeavor, Visharam discloses Method and Apparatus

for Supporting Advanced Coding Formats in Media Files. Visharam discloses

specifically embedding the parameter information (SEI is meta data separately from

media data, paragraph 47), in a Session Description Protocol (SDP) payload (SEI

message is signaled by external means (SDP), paragraph 172).

Therefore, given this teaching, it would have been obvious to one of ordinary skill

in the art at the time invention was made to modify Jones by providing specifically

embedding the parameter information in SDP payload of a hint track, in order to provide

parameter information compatible with standard description protocol. The Jones

method, incorporating the Visharam embedding the parameter information in SDP

payload, has all the features of claim 25.

Regarding **claim 32**, Jones and Visharam disclose everything claimed above

(see claim 25). In addition, Jones discloses further comprising the step of transmitting

the parameter information in a media independent transmission (Jones: network-

independent, col.9, line 59-60).

Regarding **claim 34**, Jones and Visharam disclose everything claimed above

(see claim 25). In addition, Jones discloses further comprising the step of extracting the

parameter information from metadata corresponding to at least one media stream (hint

packets received, col.18, line 1-2)

Regarding **claim 35**, Jones and Visharam disclose everything claimed above

(see claim 25). In addition, Jones disclose A file containing video information and

parameter information (file containing media data and hint track, col.8, line 27-30), the

parameter information embedded in a portion of the file separate from the video

information (hint area separate and distinct from media data, col.8, line 27-30) so that

the parameter information can be streamed independent of the video information

(Fig.15).

Regarding **claim 36**, the claimed invention is an apparatus claim corresponding

to the method claim 25. Therefore, it is rejected for the same reason as claim 25.

Regarding **claim 43**, the claimed invention is an apparatus claim corresponding

to the method claim 32. Therefore, it is rejected for the same reason as claim 32.

Regarding **claim 45**, the claimed invention is an apparatus claim corresponding to the method claim 34. Therefore, it is rejected for the same reason as claim 34.

8.   **Claims 28 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Visharam, further in view of Mononen (US 2005/0,004,968) (hereafter referenced as Mononen).

Regarding **claim 28**, Jones and Visharam disclose everything claimed as above (see claim 25). However, Jones fails to disclose wherein the step of embedding the parameter further comprises the step of encoding the parameter information in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload of the Hint track.

In analogous field of endeavor, Mononen discloses System, Apparatus, And Method for a Mobile Information Center. Mononen specifically discloses encoding in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload (Fig.2 shows MIME encoding 236 prior to SDP 228), in order to provide rich content communication including voice and video through internet (paragraph 2).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones and Visharam by providing specifically encoding the Parameter Set information in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload of the Hint track, in order to provide rich content communication including voice and video through internet. The Jones method, incorporating the Visharam embedding the parameter information in

SDP payload, further incorporating the Mononen encoding the parameter information in Multipurpose Internet Mail Extensions (MIME) prior to being embedded within the SDP payload of the Hint track, has all the features of claim 28.

Regarding **claim 39**, the claimed invention is an apparatus claim corresponding to the method claim 28. Therefore, it is rejected for the same reason as claim 28.

9.   **Claims 29-31, 33, 40-42, and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, further in view of MPEG 2001/N4858 (hereafter referenced as N4858).

Regarding **claim 29**, Jones and Visharam disclose everything claimed as above (see claim 25). However, Jones and Visharam fail to disclose further comprising the step of transmitting the Parameter information in an out-of-band transmission.

In analogous field of endeavor, N4858 discloses Coding of Moving Pictures and Audio. N4858 specifically discloses transmitting the Parameter Set information in an out-of-band transmission (parameter sets are sent out of band), in order to transmit media in the cable environment.

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones and Visharam by providing specifically transmitting the Parameter information in an out-of-band transmission, in order to transmit in the cable environment. The Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating

the N4858 transmitting the Parameter Set information in an out-of-band transmission for the cable, has all the features of claim 29.

Regarding **claim 30**, the Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the N4858 transmitting the Parameter Set information in an out-of-band transmission for the cable as applied to claim 4, discloses wherein said transmitting step transmits the parameter information using Transmission Control Protocol (TCP) (Jones: TCP/IP, col.13, line 67) .

Regarding **claim 31**, the Jones method, incorporating the Visharam embedding the parameter information in SDP payload, further incorporating the N4858 transmitting the Parameter Set information in an out-of-band transmission for the cable as applied to claim 4, discloses wherein said transmitting step transmits the parameter information using Real Time Streaming Protocol (Jones: RTP, col.11, line 38-40).

Regarding **claim 33**, Jones and Visharam disclose everything claimed as above (see claim 25). However, Jones and Visharam fail to disclose wherein said transmitting step transmits the Parameter information prior to any media corresponding thereto.

N4858 discloses wherein said transmitting step transmits the Parameter information prior to any media corresponding thereto (Fig. 5b shows parameters transmitted before the picture slice (main media body), in order to inform the receiver to set up the presentation such as picture size and frame rate included in parameter set prior to transmitting the associated media (well known in the video compression art).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Jones and Visharam by providing

specifically transmitting the Parameter Set information prior to any media associated

with it, in order to inform the receiver to set up the presentation such as picture size and

frame rate included in parameter set prior to transmitting the associated media. The

Jones method, incorporating the Visharam embedding the parameter information in

SDP payload, further incorporating the N4858 transmitting the Parameter Set

information prior to any media associated with it, has all the features of claim 33.

Regarding **claim 40**, the claimed invention is an apparatus claim corresponding

to the method claim 29. Therefore, it is rejected for the same reason as claim 29.

Regarding **claim 41**, the claimed invention is an apparatus claim corresponding

to the method claim 30. Therefore, it is rejected for the same reason as claim 30.

Regarding **claim 42**, the claimed invention is an apparatus claim corresponding

to the method claim 31. Therefore, it is rejected for the same reason as claim 31.

Regarding **claim 44**, the claimed invention is an apparatus claim corresponding

to the method claim 33. Therefore, it is rejected for the same reason as claim 33.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HEE-YONG KIM whose telephone number is (571)270-

3669. The examiner can normally be reached on Monday-Thursday, 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HEE-YONG KIM/
Examiner, Art Unit 2482

/Andy S. Rao/
Primary Examiner, Art Unit 2486
February 24, 2011